

Phenix City Firefighters Association

Local-3668

P. O. Box 173

Phenix City, AL 36868

President-Dennis Duty

Vice President- David P. Davis

Secretary/Treasurer- Robert Gaskin

Affiliated with PFFA/IAFF/AFL-CIO

Chief Jerry Prater,

January 25, 2005

This letter is a formal request to set up a meeting to discuss current conditions of employment for the members of the *Phenix City Firefighters Association, Local-3668*. As a representative of *Local-3668's* choosing, and in compliance set forth in the Code of Alabama/Section 11-43-143, I am confident that we can meet and confer on a number of issues that greatly impact both of our organizations. I only ask that this meeting be scheduled on one of my off duty days, and that you will inform us, with a written notice, in ten to fifteen days, if such a meeting will be possible. Also in the written notice, please notify me of the time and place that best fits your schedule. Regretfully, I will not be available during the first week of February, due to a scheduled class, but anytime after that would be great. Below is a sample list of some topics and talking points for discussion.

Safety Issues-

- ◆ Incident commanders and safety concerns on emergency incidents.
- ◆ Incident Management System and safety factors at emergency incidents.
- ◆ Current Standard Operating Procedures and its influence on firefighter safety.
- ◆ Job stress and its effects on safety and health.
- ◆ Firefighter Wellness.

General Employment Issues-

- ◆ Morale and its effects on our membership.
- ◆ Management styles and concepts with regards to the concerns of firefighters.
- ◆ Discussion of privileged information.
- ◆ Salaries.
- ◆ Benefits.
- ◆ Union representation.
- ◆ Employee "trade time".

Discipline-

- ◆ Corrective versus punitive.
- ◆ Fact based discipline versus opinion.
- ◆ Fair and justified application of the merit system.
- ◆ Disciplinary action record keeping.

Communications-

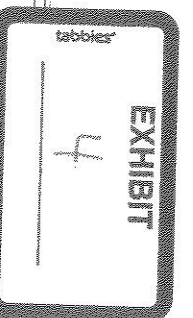
- ◆ Improve communication
- ◆ Opened minded and committed to improving our current situations.
- ◆ Two-way communication between labor and management.
- ◆ Establish regular Labor/Management (L&M) meetings between the fire department administration and organized labor leaders.

Respectfully,

David P. Davis
Vice President/Local-3668
Phenix City Firefighters Association

EXHIBIT

3



PHENIX CITY FIRE DEPARTMENT

Three-alarm turmoil

Disputes, alleged threats, coercion, harassment fan flames of mistrust

By Chuck Williams

Staff Writer

The department is in turmoil.

When the alarm sounds at the Phenix City Fire Department, it's all business.

Everybody — the fire chief, command staff, firefighters and politicians — agrees on that.

But that's where the agreement ends and the bickering begins.

Some firefighters say they are mistreated by management and the city — and work in an atmosphere of intimidation, coercion, derogatory comments, threats and harassment.

"Morale is at the lowest point since I've been here," said Sgt. David Davis, a seven-year veteran and president of the

Phenix City Firefighters Association.

Chief Wallace

Hunter, a 20-year career Phenix City firefighter who assumed the top job in May,

said attitude is the issue.

"When you come in with a negative attitude, you are going to have a negative day," he said. "And you are going to make everything negative around you."



Davis



Hunter

Hunter is the fourth chief in the last seven years. He is serving his second stint as chief, lasting six months in the job in 2001.

Twice, departmental disputes have ended up in federal court — both times the city prevailed. Over the last five years, 29 firefighters have left for a variety of reasons, including retirement and medical

disability.

The city has spots for 51 firefighters, and 44 are currently on that force. They staff three stations 24-hours a day, with firefighters working 24 hours on and 48 hours off.

A majority of the city's firefighters are represented by the firefighters association, a union the city does not have to legally recognize. The association has about 30 members.

Ten Phenix City firefighters

See FIRE FIGHT, Page A3

"God has chosen a garden to plant us in and now we need to grow."

Carolyn Brown, Violet, La., evacuee on arrival in Columbus



Learning lessons from New Orleans

Disaster-prone U.S. cities

FIRE FIGHT | 'A little more give and take' needed

m A1

eed to discuss department issues Tues- / with the Ledger-Enquirer. The one- ur interview was conducted with all of m at the same time, the only way they uld agree to talk. Those who attended re Capt. Robert Gaskin; Sgts. Davis, rl Taylorson, James Ellerbee, Anne od, Jeff Bowden and Scott Johnson; and fighters Lance Wagner, William Miles i Marc Wells.

Several of the firefighters said they red their jobs would be threatened if y talked about the problems inside the partment.

Everyone sitting in this room is worried death about this," Taylorson said.

Davis puts it this way: "We are reluctant talk because of significant fear of retali- on, being disciplined or fired."

According to the rules Phenix City ployees must follow, an employee can discharged for speech that "impairs dis- line and harmony in the workplace" or eech which jeopardizes close personal 'alty."

During the interview, firefighters laid t a litany of complaints, including:

- Disparity in treatment of union and n-union personnel.
- Intimidation, coercion, derogatory mments, threats and harassment of ion members.
- Micromanagement.

They were vague about specific inci- nts, but focused on the general nature of ir complaints.

An hour after the interview, Johnson ed that his name not be included in ose who talked to the reporter. He did t make any comments during the inter- w. The next day, the chief asked that nson's name be excluded from the list.

Disgruntled clique'

Capt. Mickey Hutchinson has been with e Phenix City Fire Department for 15 ars. He said activity from the firefighters ociation is causing most of the turmoil. "We have a clique that is disgruntled," Hutchinson said. "They don't like the way ings are going, so they are causing moil."

He said the dissension is wearing thin in e department.

"Some people are getting tired of the p," Hutchinson said. "People need to e in and do their jobs without worry- g about the penny-ante stuff."

It is that "penny-ante stuff" that some ion firefighters say is at the core of the oblem.

Put the dispute in a fire house — there e three of them in Phenix City — and it t festers. Firefighters live and work ogether in 24-hour chunks.



Bowden



Gaskin



Taylorson

guys who complained he was hurt on the job," Hardin said. "He was working on swap time. He was on workman's comp. It's hard to insure two people at the same time when only one is working. What about the person who was supposed to be working? Were we also insuring him? The insurance company advised us not to do that."

The history

Past disputes have spilled over into the courts.

In May, a federal jury ruled against two former Phenix City firefighters who were asking for nearly \$1 million in damages for the loss of their jobs.

Randy Doster and Dennis Duty sued the city of Phenix City, former Fire Chief Ronnie Blankenship, former City Manager Bobby Gaylor, former Chief Prater, Chief Hunter and Assistant Chief Johansen.

The U.S. District Court jury in Opelika, Ala., deliberated less than an hour and a half before ruling in favor of all six defendants.

It wasn't the first time the city won a federal lawsuit.

In March, U.S. District Judge Myron Thompson of the Middle District of Alabama dismissed a \$6.2 million lawsuit against Phenix City. Phenix Lumber Company filed the suit against the city and Blankenship, alleging the former chief refused to let firefighters battle a sawmill fire in 1998.

In 2001, Doster and Duty accused Blankenship of instructing firefighters to let the sawmill burn. Blankenship denied the charge. Duty and Doster claimed their problems in the department started after those allegations.

Duty was the president of the firefighters association. When he lost the lawsuit, Davis became the association's leader.

Jim McKoon, a Phenix City attorney who represented the city in both federal lawsuits, said the complaints from the firefighters are the same ones two juries heard from Duty and Doster.

"We won at every turn," McKoon said. "Every time you put this in front of a jury or fact-finder, they can see what's going on."

McKoon said he has advised Hunter to run a tight ship.

"The last three fire chiefs have tried to

Robert Gaskin, 40, has been with Phenix City department for more than years. He is less than nine years from retirement that would pay him 60 per of his top three annual salaries.

He has applied for a civilian job in L

"I would rather go do that and take risk in a combat zone riding a big red t that says 'shoot me' than be here," G said.

Some have already left.

Since January 2000, there have bee employees to leave the Phenix City Department. The departures break o the following way:

- Twenty-one employees resigned.
- Three employees retired.
- Two employees went out on me disability retirement.
- Three employees were dismissed

Don't read too much into those bers, the chief said.

"People want to distort that," H said. He points out that firefighters left for career advancement and relo- reasons.

How does it end?

One of those people who resigned Bubba Stephens, who spent 14 years i Phenix City Fire Department. Hunter Stephens told him when he left in A was to concentrate on his second job landscaper.

That is not the only reason Step says he left the force. He says he wa what is happening in Louisiana and sissippi and he misses his job.

"One of the reasons I left was I c think it was going to get any be Stephens said.

He said others are talking to him i walking away.

"They look at us like we are rebel said Stephens, 39. "But if you beat down, he will turn around and fight y

Taylorson and the other u firefighters say they are looking for That is part of the reason they sat i interview.

"I hope the right person hears i comes in to help," Taylorson said. "I be a citizen, the city manager, the co We're just looking for a savior."

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The union firefighters say they he same thing from command staff on a lar basis.

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He said the dissension is wearing thin in the department.

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It is that "penny-ante stuff" that some union firefighters say is at the core of the problem.

Put the dispute in a fire house — there are three of them in Phenix City — and it still festers. Firefighters live and work together in 24-hour chunks.

"Nothing is a secret in the fire department," said Assistant Fire Chief Kenneth Hansen.

At the center of the complaints is a desire to change the firefighters' work schedules. The department has already eliminated "swap time," a practice that allows a firefighter to swap a shift with another firefighter. It allows flexibility for educational advancement and time off for personal reasons.

The practice was eliminated by former chief Jerry Prater in January. Other fire departments, including the Columbus Fire and Emergency Medical Services Department, allow swap time.

This move upset a number of the firefighters. They say swap time was used to maintain and achieve educational requirements of the department. Currently, none of the Phenix City firefighters are enrolled in the fire sciences courses at Chattahoochee Valley Community College. Such courses are needed for firefighters to get promoted.

Taylorson, a 10-year veteran, said he has used swap time to spend time with his family and do community service.

"It allows me to coach ball," he said.

In an Aug. 3 memo to Phenix City Manager Bubba Roberts, Hunter defended the elimination of swap time.

"Swap time was abused by some employees so they could work their part-time jobs," Hunter wrote.

Mayor Jeff Hardin said swap time was eliminated because of concerns from the city's insurance carrier.

It stemmed from a lawsuit by one of the

against Phenix City. The lawsuit was filed by a company against the city and Blankenship, alleging the former chief refused to let firefighters battle a sawmill fire in 1998.

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"We won at every turn," McKoon said. "Every time you put this in front of a jury or fact-finder, they can see what's going on."

McKoon said he has advised Hunter to run a tight ship.

"The last three fire chiefs have tried to reason and have been out of a job," McKoon said. "My advice is to run this thing like you are a drill sergeant on Parris Island. Everybody at the top can't be wrong."

Decision time

Sgt. Jeff Bowden has been a Phenix City firefighter for nine years.

He has watched the turmoil during his career and said it is reaching a critical stage.

"It has grown and grown, like a pimple that has come to a head," he said. "Something is going to pop."

Council member Ray Bush tried to mediate the differences between the firefighters and the city. He was limited in what he could do because the city's charter strictly prohibits elected officials from getting involved in personnel matters.

His observation: "You have a bunch of young folks that can't seem to realize you got to go to work every day with a good attitude," Bush said.

Bush is convinced the problem will take care of itself.

"In time, the problem will go away," Bush said. "But we have got to have a little more give and take."

Some of the firefighters say they are looking to leave.

Three have applications in with the Columbus department, although they would have to take a pay cut to work on the other side of the Chattahoochee River. Other firefighters have applied for jobs with other departments in the region.

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"They look at us like we are rebellious," said Stephens, 39. "But if you beat us down, he will turn around and fight you."

Taylorson and the other union firefighters say they are looking for a change. That is part of the reason they sat for the interview.

"I hope the right person hears it comes in to help," Taylorson said. "I want to be a citizen, the city manager, the council. We're just looking for a savior."

It is time for those who have problems with management to make decisions, chief said.

"I am sick and tired of it," Hunter said. "If it is too much on people, they need to make a decision on which direction they need to go."

The union firefighters say they hear the same thing from command staff on a regular basis.

"Basically, if you are not happy you want to leave, that is what we have been hearing several times," said Sgt. Anne Lavelle, a seven-year veteran of the Phenix City department.

Hunter said part of the issue is that firefighters have not learned to "agree to disagree."

"It is hard to resolve a problem when people resort to hate," Hunter said.

Glenn Hill, a Phenix City firefighter for four years, just wants the bickering to stop. He is a member of the union, but was not present at the group interview last week.

He sent the following e-mail to the Ledger-Enquirer:

"I would like to start off by saying I am working in the fire service, it is a rewarding job. As far as the problems exist in the Phenix City Fire Department, I can't tell you why they exist but I can tell you that they do. Since I have been employed in Phenix City there has been constant turmoil. I have been called to the police department to give statements about chiefs arguing, I have been in meetings where I have been told that my hours could change at anytime because there were letters published in the opinion column of the newspaper. I have been told that the people do not like us and think we are lazy. I just want to go to work every day and do my job. . . . The unfortunate thing is that I believe there are some very good people in this department. Several of these people have expressed to me that they were seeking employment elsewhere. I just wish the department, from top to bottom, could act as a team and communicate to fix the problems that exist."

Contact Chuck Williams at (706) 320-4485 or chwilliams@ledger-enquirer.com